



Part I

Section 8

Fee Structure for Land Use Applications



PART I, SECTION 8: FEE STRUCTURE FOR LAND USE APPLICATIONS

A. INTENT

The fees noted below are designed to cover anticipated costs incurred by the County in the review and processing of Land Use applications submitted for consideration.

B. PAYMENT

All fees are payable to the Elbert County Treasurer by cash, check or money order.

C. CONDITIONS

1. The Board of County Commissioners reserves the right to adjust the fees noted whenever, in its opinion, it is necessary to accomplish a change, subject to public notice of any such change.
2. All fees paid are non-refundable, with the exception of those requests which are withdrawn or terminated by the applicant, in writing, prior to the scheduling of the formal application to be heard before the Planning Commission or Board of Adjustments.
3. The fees indicated in this fee schedule shall be paid by all applicants with the exception of Elbert County departments or agencies. The Board of County Commissioners shall determine other exceptions on a case-by-case basis, upon written request of the applicant and submitted through Community and Development Services.
4. Under no circumstance, except as above noted, will any Land Use Application be receipted for processing without the appropriate fee(s) being paid when fees are required. In the event such checks are returned for insufficient funds, there will be an additional charge required before continuing the processing (see current fee schedule).
5. A complete Fee Schedule related to development within the County is posted in Community and Development Services. Appropriate county officials will review fee adequacy at six (6) month intervals and present fee adjustment recommendations to the Board of County Commissioners for modification and adoption by resolution. The fee schedule may include, but not necessarily be limited to the following: an effective date, residential rezoning, non-residential rezoning, concept plan, preliminary plat/residential, preliminary plat/non-residential, final plat, vacation(s), special use review, variance procedure, minor development plat, recorded plat amendments and adjustments, administrative adjustments, interpretations of uses not itemized, sign permits, substitution of original improvement security, mineral exploration permits, recording of modified County Regulations, review of other governmental agencies, impact fees, temporary structure/office permits, building permits, inspections, certificates of occupancy, reviews, bonding, etc. All fees will be set at a level to recover costs incurred by the County to accommodate development. Determination of costs will include, but not be limited to: personnel, benefits, administration, equipment, expert consultation, contracted services, mileage, inspections, etc.



6. The County may solicit expert consultation for complex technical issues. The applicant will be advised of estimated costs regarding independent technical services and consultation, and will provide written agreement for County reimbursement or withdraw the application. Such costs will be paid in full by the applicant at the time of application submittal. The applicant will provide the Community and Development Services Director a signed and dated Application Agreement Form.



Part II

Section 1

General Requirements and Exceptions



PART II, SECTION 1: GENERAL REQUIREMENTS AND EXCEPTIONS

A. INTENT

General requirements and exceptions shall provide for special case considerations applicable to these regulations.

B. MINIMUM AREA AND WIDTH OF LOTS

1. No part of the area or width of a lot required for the purpose of complying with the provisions of these regulations shall be included as part of the area or width required for another lot.
2. The minimum area and width limitations in these regulations shall not apply to utility service facilities. Area and width limitations for major facilities of a public utility shall be addressed in the Use by Special Review procedure contained in Part II, Section 18, of these Regulations.

C. MINIMUM YARDS

1. Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required yard not more than three (3) feet.
2. Fire escapes may extend into a required yard not more than six (6) feet.
3. Open, unenclosed uncovered porches at ground level may extend into a required front or rear yard set back not more than six feet (6'). All side yard requirements must be met.
4. Open unenclosed, uncovered, patios, decks and porches greater than four (4) feet above ground level shall not extend into a required front or rear yard set back more than three (3) feet. All side yard requirements must be met.
5. The side yard along the street side of a reverse corner lot shall be not less than the front yard requirements for the district in which the lot is located.
6. No part of a yard required for a building for the purpose of complying with the provisions of these regulations shall be included as part of a yard of another building.
7. For the purpose of these regulations, the minimum yard along all Federal, State and major County arterial highways shall not be less than one hundred (100) feet or one hundred fifty (150) feet from centerline, whichever is greater, as approved by the County. Where this requirement may conflict with a yard otherwise in a district, the larger yard shall be required.
8. Minimum lot and yard standards are not to be applied to utility service facilities or to major facilities of a public utility.

D. MAXIMUM HEIGHT OF BUILDINGS

1. The height limitations of these regulations shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, to chimneys ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
2. It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smoke stack, chimney, flag pole, wires, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and takeoff of air craft at a publicly used airport under the regulations of the appropriate United States Civil Aeronautics Authority.
3. All dwellings and structures shall be constructed in accordance with all applicable County regulations and the Uniform Building Code.
4. Underground housing may be allowed subject to meeting all applicable County regulations and site plan approval. No underground construction shall be allowed to encroach within designated easements or required setbacks from adjoining property lines without County approval.

E. FENCES, HEDGES AND WALLS

The fence, hedge and wall limitations contained in the regulations shall not apply to utility service facilities where a higher fence, hedge or wall is required for reasons of safety or screening. Fence, hedge or wall requirements for major facilities of a public utility shall be addressed in the Use by Special Review procedure within these regulations.

F. MINIMUM LIVING AREAS

Minimum living areas within residential zoning areas shall be as follows:

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| 1. In single family zones | 700 square feet. |
| 2. In multiple family zones | 450 square feet. |